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7 *Thomas W. McNamara*

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 SECURITIES AND EXCHANGE
12 COMMISSION,

13 Plaintiff,

14 v.

15 PLCMGMT LLC, dba PROMETHEUS
LAW, JAMES A. CATIPAY, and
16 DAVID A. ALDRICH,

17 Defendants.
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Case No. 2:16-cv-02594-TJH (FFMx)

**NOTICE OF THIRD INTERIM FEE
APPLICATION OF RECEIVER**

Judge: Hon. Terry J. Hatter, Jr.
Ctrm.: 9B
Date: UNDER SUBMISSION
Time: UNDER SUBMISSION

1 Thomas W. McNamara, as the Court-appointed Receiver (“Receiver”) for
2 PLCMGMT LLC, dba Prometheus Law (“Prometheus”), was appointed by the
3 Preliminary Injunction entered April 26, 2016 (ECF No. 20).

4 The Preliminary Injunction (Section VIII(F)) directs and authorizes the
5 Receiver to “choose, engage, and employ attorneys, accountants, appraisers, and
6 other independent contractors and technical specialists, as the permanent receiver
7 deems advisable or necessary in the performance of duties and responsibilities
8 under the authority granted by this Order, including but not limited to the law firm
9 in which the permanent receiver is a partner.”

10 The Preliminary Injunction (Section XIII) further orders that Prometheus
11 shall pay the costs, fees, and expenses of the Receiver and persons engaged by the
12 Receiver, subject to an application to the Court setting forth in reasonable detail
13 the nature of the services. (Section XIII, pages 11-12.)

14 The Receiver now submits this Third Interim Fee Application for approval
15 to pay services during the period of August 1, 2017 through July 31, 2018: \$72,653
16 fees and \$498.27 expenses of the Receiver and staff to be paid to Thomas W.
17 McNamara dba Regulatory Resolutions; \$47,529 fees and \$5,419.24 expenses of
18 the Receiver’s counsel, McNamara Smith LLP; \$41,282.50 fees and \$3,161.75
19 expenses for Higgs, Fletcher & Mack, LLP; and \$10,923.75 fees and \$239.70
20 expenses for Underwood Perkins, P.C.

21 In California, Higgs, Fletcher & Mack, LLP represented the Receiver in the
22 bankruptcy petition filed by Beverly Palacio who attempted to discharge nearly
23 \$800,000 that she owes the Receivership Estate. They obtained a non-
24 dischargeable default judgment in the amount of \$792,218. Underwood Perkins,
25 P.C. represented the Receiver in the Texas bankruptcy petition filed by Mike
26 Givilancz, Jr. who attempted to discharge nearly \$400,000 that he owes the
27 Receivership Estate. After objecting to the Chapter 13 plan, the bankruptcy court
28 dismissed Mr. Givilancz’s bankruptcy petition and closed the case.

1 These requested fees and expenses, and the invoices regarding them, are
2 detailed and reviewed in the Declaration of Thomas W. McNamara filed with this
3 Application.

4 This Application is made pursuant to Sections XIII of the Preliminary
5 Injunction and is based upon this Notice of Application, the Declaration of Thomas
6 W. McNamara, and upon such other pleadings and oral and documentary evidence
7 as may be presented at or before the time of the hearing on the Application.

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9 Dated: October 17, 2018

MCNAMARA SMITH LLP

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11 By: /s/ Edward Chang
12 Edward Chang
13 Attorneys for the Receiver,
14 Thomas W. McNamara
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CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2018, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of the filing to all participants in the case who are registered CM/ECF users.

/s/ Edward Chang
Edward Chang